



Department of
Toxic Substances
Control

*Preventing
environmental
damage from
hazardous waste,
and restoring
contaminated
sites for all
Californians.*



State of California



California
Environmental
Protection Agency

Fact Sheet, March 2007

DTSC Authorization for Treatment of Seized Fireworks

Background

Seized fireworks that are going to be destroyed by the California Department of Forestry and Fire Protection (CDFFP), the Office of the State Fire Marshal (OSFM) and/or local emergency response agencies are hazardous wastes regulated by the Department of Toxic Substances Control (DTSC) because they are reactive. In addition, both the fireworks items themselves and the treatment residuals (ash and debris) may be hazardous because they contain metals and may contain perchlorates. Whether or not the fireworks items and residuals are hazardous for metals and perchlorates depends on the concentrations of these contaminants. DTSC regulates the management of hazardous wastes and issues permits or other forms of authorization for treatment, storage or disposal of the wastes. When the CDFFP, OSFM or a local emergency response agency burns and/or detonates waste fireworks, those activities are “treatment” of a hazardous waste and require authorization from DTSC.

Requirements and Exemptions

In certain **emergency** situations (i.e., imminent and substantial endangerment to human health or the environment) the treatment is exempt from the requirement for a permit or other authorization from DTSC [Cal. Code Regs., title 22, section 66270.1(c)(3)]:

(A) A person is not required to obtain a permit for treatment or containment activities which are necessary to perform an immediate response to any of the following situations:

- 1. a discharge of a hazardous waste;*
- 2. an imminent and substantial threat of a discharge of hazardous waste;*
(or)
- 3. a discharge of a material which, when discharged, becomes a hazardous waste.*

(B) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.

An example of a permit-exempt emergency situation is the seizure of a load of fireworks that is determined to be dangerously unstable, and therefore requires CDFFP or OSFM personnel to treat it as soon as possible, rather than placing it in storage for later treatment.



It is the responsibility of the lead emergency response agency to determine if a situation is truly an imminent and substantial threat. In many cases, this is a field decision that can be made only by the agency staff responding to the situation. This responsibility carries with it the concurrent responsibility to not misuse the imminent and substantial threat exemption.

For **planned** situations, treatment of hazardous wastes requires authorization from DTSC [Cal. Code Regs., title 22, section 66270.1(c)]. There are several different types of authorization:

- Emergency Permit – location and situation-specific “permits” intended for situations that do not qualify as permit-exempt emergencies. This is the option most likely to be issued for treating seized fireworks. An emergency permit is issued for a specific timeframe and specific activities. An emergency permit must be obtained prior to each treatment event by contacting DTSC with descriptions of the proposed location and surroundings, the unit or area in which the fireworks will be treated, the types and quantities of fireworks to be treated, the environmentally protective and safety measures that will be taken, and the plans for management of the treatment residuals. In urgent situations, DTSC may provide a verbal approval to allow the treatment to proceed, followed within five days by a written emergency permit.

An emergency permit must include a written document, a California Environmental Quality Act (CEQA) determination, and public notification.

- Permit – the basic form of authorization from DTSC, intended for ongoing hazardous waste management (treatment, storage over 60 days or disposal).
- Permit by Rule – DTSC is developing regulations that will authorize the OSFM to treat seized fireworks in mobile treatment units.

Management of Treatment Residuals

Management of any treatment residuals from treating seized fireworks must include a determination whether or not those residuals are hazardous wastes or non-hazardous wastes. If they are hazardous, the residuals must be containerized and taken to an authorized hazardous waste management facility for transfer, storage, treatment or disposal.

Contacts

Contact person to request an emergency permit for treatment of seized fireworks is Jan Smith at (916) 324-0705, or jsmith1@dtsc.ca.gov.

For an emergency permit for treatment of other hazardous wastes, including other reactive wastes, please contact:

Northern California:

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